

AMENDED IN ASSEMBLY SEPTEMBER 10, 2003

AMENDED IN ASSEMBLY SEPTEMBER 5, 2003

AMENDED IN SENATE APRIL 1, 2003

SENATE BILL

No. 570

Introduced by Senator Chesbro

February 20, 2003

An act to amend Sections 24011, ~~25502.3, and 25502.5~~ and 25502.3 of the Government Code, to amend Section 830.1 of the Penal Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, Chesbro. Local government.

(1) Existing law authorizes the boards of supervisors of specified counties to provide, by ordinance, that the public administrator be appointed by the board, and authorizes the boards of supervisors of certain counties to appoint the same person to the offices of public administrator, veteran service officer, and public guardian. The boards of supervisors of certain counties are authorized to separate the consolidated offices of district attorney and public administrator.

This bill would include Napa County within those counties whose boards of supervisors are authorized to provide for the appointment of the public administrator by the board. It would also authorize the Board of Supervisors of Napa County to appoint the same person to the offices of public administrator, veteran service officer, and public guardian and to separate the consolidated offices of district attorney and public administrator.

(2) Existing law, with respect to counties under 200,000 in population, permits the board of supervisors to authorize the county purchasing agent to engage independent contractors to perform services when the aggregate cost does not exceed \$10,000. ~~With respect to counties with a population of 200,000 or more, the county purchasing agent may be authorized to engage independent contractors to perform services when the aggregate costs do not exceed \$100,000.~~

This bill instead would permit the boards of supervisors in counties having a population of ~~100,000 or more~~ *less than 200,000* to authorize the purchasing agent to engage independent contractors to perform services when the aggregate cost does not exceed ~~\$100,000~~ *\$50,000, which would be subject to annual adjustment.*

(3) Existing law defines specified powers, rights, duties, and training requirements for peace officers and provides that any harbor or port police regularly employed and paid in that capacity by a county, city, or district is a peace officer, if the primary duty of the peace officer is the enforcement of the law in or about the properties owned, operated, or administered by the harbor or port or when performing necessary duties with respect to patrons, employees, and properties of the harbor or port. Under existing law, these peace officers may carry firearms only if authorized and under terms and conditions specified by their employing agency.

This bill would change the category for the port police officers of the Harbor Department of the City of Los Angeles to a category that specifies that these persons are peace officers whose authority extends to any place in the state, as specified, and that doesn't limit the carrying of firearms. This bill would also remove special officers of the Harbor Department of the City of Los Angeles from this category.

(4) Existing law provides that any deputy sheriff of certain counties who is assigned to perform duties relating to specified custodial assignments is a peace officer whose authority extends to any place in the state only while engaged in the performance of the duties of his or her employment and for the purpose of carrying out the primary functions of employment relating to his or her custodial assignments, or when directed to perform other law enforcement duties during a local state of emergency.

This bill would add deputy sheriffs of Shasta and Solano Counties employed to perform those duties relating to custodial assignments to that category of peace officers.



(5) Existing law authorizes counties voluntarily participating in the County Medical Services Program to establish the County Medical Services Program Governing Board to govern the program. Existing law specifies the composition of the board, the board members' terms, the powers and duties of the board, and other matters including the conduct of meetings.

This bill would provide that the requirements for public meetings are satisfied if at least 3 voting members of the governing board hold public meetings and report the testimony from those meetings to the full board at its next regular meeting, *as specified*.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 24011 of the Government Code is
2 amended to read:

3 24011. Notwithstanding the provisions of Section 24009:

4 (a) The Boards of Supervisors of Glenn County, Madera
5 County, Mendocino County, Napa County, Solano County, Trinity
6 County, Tuolumne County, and Lake County may, by ordinance,
7 provide that the public administrator shall be appointed by the
8 board.

9 (b) The Boards of Supervisors of Madera County, Mendocino
10 County, Napa County, Trinity County, Tuolumne County, and
11 Lake County may appoint the same person to the offices of public
12 administrator, veteran service officer, and public guardian. The
13 Board of Supervisors of Glenn County and Solano County may, by
14 ordinance, appoint the same person to the offices of public
15 administrator and public guardian.

16 (c) The Boards of Supervisors of Glenn County, Madera
17 County, Mendocino County, Napa County, Trinity County,
18 Tuolumne County, and Lake County may separate the
19 consolidated offices of district attorney and public administrator
20 at any time in order to make the appointments permitted by this
21 section. Upon approval by the board of supervisors, the officer
22 elected to these offices at any time may resign, or decline to qualify
23 for, the office of public administrator without resigning from, or
24 declining to qualify for, the office of district attorney.



1 SEC. 2. Section 25502.3 of the Government Code is amended
2 to read:

3 25502.3. In counties having a population of less than ~~100,000~~
4 *200,000*, the board of supervisors may authorize the purchasing
5 agent to engage independent contractors to perform services for
6 the county or county officers, with or without the furnishing of
7 material, when the aggregate cost does not exceed ~~ten thousand~~
8 ~~dollars (\$10,000);~~ *fifty thousand dollars (\$50,000)*, *except that this*
9 *amount shall be adjusted annually by any annual increase in the*
10 *California Price Index as determined pursuant to Section 2212 of*
11 *the Revenue and Taxation Code.*

12 ~~SEC. 3. Section 25502.5 of the Government Code is amended~~
13 ~~to read:~~

14 ~~25502.5. (a) In counties having a population of 100,000 or~~
15 ~~more, the board of supervisors may authorize the purchasing agent~~
16 ~~to engage independent contractors to perform services for the~~
17 ~~county or county officers, with or without the furnishing of~~
18 ~~material, when the aggregate cost does not exceed one hundred~~
19 ~~thousand dollars (\$100,000).~~

20 ~~(b) The board of supervisors may establish rules and~~
21 ~~regulations to effectuate the purposes of this section.~~

22 ~~SEC. 4.—~~

23 *SEC. 3.* Section 830.1 of the Penal Code is amended to read:

24 830.1. (a) Any sheriff, undersheriff, or deputy sheriff,
25 employed in that capacity, of a county, any chief of police of a city
26 or chief, director, or chief executive officer of a consolidated
27 municipal public safety agency that performs police functions, any
28 police officer, employed in that capacity and appointed by the
29 chief of police or chief, director, or chief executive of a public
30 safety agency, of a city, any chief of police, or police officer of a
31 district, including police officers of the San Diego Unified Port
32 District Harbor Police, authorized by statute to maintain a police
33 department, any marshal or deputy marshal of a superior court or
34 county, any port warden or port police officer of the Harbor
35 Department of the City of Los Angeles, or any inspector or
36 investigator employed in that capacity in the office of a district
37 attorney, is a peace officer. The authority of these peace officers
38 extends to any place in the state, as follows:

39 (1) As to any public offense committed or which there is
40 probable cause to believe has been committed within the political

1 subdivision that employs the peace officer or in which the peace
2 officer serves.

3 (2) Where the peace officer has the prior consent of the chief
4 of police or chief, director, or chief executive officer of a
5 consolidated municipal public safety agency, or person authorized
6 by him or her to give consent, if the place is within a city or of the
7 sheriff, or person authorized by him or her to give consent, if the
8 place is within a county.

9 (3) As to any public offense committed or which there is
10 probable cause to believe has been committed in the peace
11 officer's presence, and with respect to which there is immediate
12 danger to person or property, or of the escape of the perpetrator of
13 the offense.

14 (b) The Attorney General and special agents and investigators
15 of the Department of Justice are peace officers, and those assistant
16 chiefs, deputy chiefs, chiefs, deputy directors, and division
17 directors designated as peace officers by the Attorney General are
18 peace officers. The authority of these peace officers extends to any
19 place in the state where a public offense has been committed or
20 where there is probable cause to believe one has been committed.

21 (c) Any deputy sheriff of the County of Los Angeles, and any
22 deputy sheriff of the Counties of Kern, Humboldt, Imperial,
23 Mendocino, Plumas, Riverside, San Diego, Santa Barbara, Shasta,
24 Siskiyou, Solano, Sonoma, Sutter, and Tehama who is employed
25 to perform duties exclusively or initially relating to custodial
26 assignments with responsibilities for maintaining the operations of
27 county custodial facilities, including the custody, care,
28 supervision, security, movement, and transportation of inmates, is
29 a peace officer whose authority extends to any place in the state
30 only while engaged in the performance of the duties of his or her
31 respective employment and for the purpose of carrying out the
32 primary function of employment relating to his or her custodial
33 assignments, or when performing other law enforcement duties
34 directed by his or her employing agency during a local state of
35 emergency.

36 ~~SEC. 5.—~~

37 *SEC. 4.* Section 16809.4 of the Welfare and Institutions Code
38 is amended to read:

39 16809.4. (a) Counties voluntarily participating in the County
40 Medical Services Program pursuant to Section 16809 may

1 establish the County Medical Services Program Governing Board
2 pursuant to procedures contained in this section. The board shall
3 govern the CMSP program.

4 (b) The membership of the board shall be comprised of all of
5 the following:

6 (1) Three members who shall each be a member of a county
7 board of supervisors.

8 (2) Three members who shall be county administrative
9 officers.

10 (3) Two members who shall be county welfare directors.

11 (4) Two members who shall be county health officials.

12 (5) One member who shall be the Secretary of the Health and
13 Welfare Agency, or his or her designee, and who shall serve as an
14 ex officio, nonvoting member.

15 (c) The board may establish its own bylaws and operating
16 procedures.

17 (d) The voting membership of the board shall meet all of the
18 following requirements:

19 (1) All of the members shall hold office or employment in
20 counties that participate in the CMSP program.

21 (2) The initial CMSP Governing Board shall be composed of
22 the incumbent members of the Small County Advisory Committee
23 holding office on the effective date of this section. Those members
24 shall choose one additional county supervisor and one additional
25 county administrative officer. The initial CMSP Governing Board
26 shall hold office until April 1, 1995.

27 (3) The initial CMSP Governing Board shall be succeeded on
28 April 1, 1995, by a board chosen in the following order so as to
29 ensure that no two representatives shall be from the same county.

30 Following the effective date of this section:

31 (A) The three county supervisor members shall be elected by
32 the CMSP counties acting prior to February 1, 1995, with each
33 county having one vote and convened at the call of the Chair of the
34 CMSP Governing Board.

35 (B) The three county administrative officers shall be elected by
36 the administrative officers of the CMSP counties convened at the
37 call of the Chair of the CMSP Governing Board prior to February
38 15, 1995.

1 (C) The two county health officials shall be selected by the
2 health officials of the CMSP counties convened at the call of the
3 Chair of the CMSP Governing Board prior to March 1, 1995.

4 (D) The two county welfare directors shall be elected by the
5 welfare directors of the CMSP counties convened at the call of the
6 Chair of the CMSP Governing Board prior to March 15, 1995.

7 (4) Board members shall serve three-year terms.

8 (5) No two persons from the same county may serve as
9 members of the board at the same time.

10 (e) (1) The board shall convene its first meeting at the call of
11 the Chair of the Small County Advisory Committee, who shall
12 serve as interim chairperson of the board.

13 (2) The board may elect a permanent chair.

14 (f) (1) The CMSP Governing Board is hereby established with
15 the following powers:

16 (A) Determine program eligibility and benefit levels.

17 (B) Establish reserves and participation fees.

18 (C) Establish procedures for the entry into, and disenrollment
19 of counties from the County Medical Services Program.
20 Disenrollment procedures shall be fair and equitable.

21 (D) Establish cost containment and case management
22 procedures, including, but not limited to, alternative methods for
23 delivery of care and alternative methods and rates for those
24 authorized by the department.

25 (E) Sue and be sued in the name of the CMSP Governing
26 Board.

27 (F) Apportion jurisdictional risk to each county.

28 (G) Utilize procurement policies and procedures of any of the
29 participating counties as selected by the governing board.

30 (H) Make rules and regulations.

31 (I) Make and enter into contracts or stipulations of any nature
32 with a public agency or person for the purposes of governing or
33 administering the CMSP.

34 (J) Purchase supplies, equipment, materials, property, or
35 services.

36 (K) Appoint and employ staff to assist the CMSP Governing
37 Board.

38 (L) Establish rules for its proceedings.

39 (M) Accept gifts, contributions, grants, or loans from any
40 public agency or person for the purposes of this program.

1 (N) Negotiate and set rates, charges, or fees with service
2 providers, including alternative methods of payment to those used
3 by the department.

4 (O) Establish methods of payment that are compatible with the
5 administrative requirements of the department's fiscal
6 intermediary during the term of any contract with the department
7 for the administration of the CMSP.

8 (P) Use generally accepted accounting procedures.

9 (2) The Legislature finds and declares that the amendment of
10 subparagraph (N) of paragraph (1) in 1995 is declaratory of
11 existing law.

12 (g) (1) The CMSP Governing Board shall be considered a
13 "public entity" for purposes of Division 3.6 (commencing with
14 Section 810) of Title 1 of the Government Code, and a "local
15 public entity" for purposes of Part 3 (commencing with Section
16 900) of Division 3.6 of Title 1 of the Government Code, but shall
17 not be considered a "state agency" for purposes of Chapter 3.5
18 (commencing with Section 11340) of Part 1 of Division 3 of Title
19 2 of the Government Code and shall be exempt from that chapter.
20 No participating county shall have any liability for civil judgments
21 awarded against the County Medical Services Program or the
22 board. Nothing in this paragraph shall be construed to expand the
23 liability of the state with respect to the County Medical Services
24 Program beyond that set forth in Section 16809. Nothing in this
25 paragraph shall be construed to relieve any county of the
26 obligation to provide health care to indigent persons pursuant to
27 Section 17000.

28 (2) Before initiating any proceeding to challenge rates of
29 payment, charges, or fees set by the board, to seek reimbursement
30 or release of any funds from the County Medical Services
31 Program, or to challenge any other action by the board, any
32 prospective claimant shall first notify the board, in writing, of the
33 nature and basis of the challenge and the amount claimed. The
34 board shall consider the matter within 60 days after receiving the
35 notice and shall promptly thereafter provide written notice of the
36 board's decision. This paragraph shall have no application to
37 provider audit appeals conducted pursuant to Article 1.5
38 (commencing with Section 51016) of Chapter 3 of Division 3 of
39 Title 22 of the California Code of Regulations and shall apply to



1 all claims not reviewed pursuant to Sections 51003 or 51015 of
2 Title 22 of the California Code of Regulations.

3 (3) All regulations adopted by the CMSP Governing Board
4 shall clearly specify by reference the statute, court decision, or
5 other provision of law that the governing board is seeking to
6 implement, interpret, or make specific by adopting, amending, or
7 repealing the regulation.

8 (4) No regulation adopted by the governing board is valid and
9 effective unless the regulation meets the standards of necessity,
10 authority, clarity, consistency, and nonduplication, as defined in
11 paragraph ~~(4)~~ (5).

12 (5) The following definitions govern the interpretation of this
13 subdivision:

14 (A) “Necessity” means the record of the regulatory
15 proceeding that demonstrates by substantial evidence the need for
16 the regulation. For purposes of this standard, evidence includes,
17 but is not limited to, facts, studies, and expert opinion.

18 (B) “Authority” means the provision of law that permits or
19 obligates the CMSP Governing Board to adopt, amend, or repeal
20 a regulation.

21 (C) “Clarity” means that the regulation is written or displayed
22 so that the meaning of the regulation can be easily understood by
23 those persons directly affected by it.

24 (D) “Consistency” means being in harmony with, and not in
25 conflict with, or contradictory to, existing statutes, court
26 decisions, or other provisions of law.

27 (E) “Nonduplication” means that a regulation does not serve
28 the same purpose as a state or federal statute or another regulation.
29 This standard requires that the governing board identify any state
30 or federal statute or regulation that is overlapped or duplicated by
31 the proposed regulation and justify any overlap or duplication.
32 This standard is not intended to prohibit the governing board from
33 printing relevant portions of enabling legislation in regulations
34 when the duplication is necessary to satisfy the clarity standard in
35 subparagraph (C). This standard is intended to prevent the
36 indiscriminate incorporation of statutory language in a regulation.

37 (h) The requirements of the Ralph M. Brown Act (Chapter 9
38 commencing with Section 54950) of Part 1 of Division 2 of Title
39 5 of the Government Code) shall apply to the meetings of the
40 CMSP Governing Board, ~~except as otherwise provided in this~~

~~subdivision. The including meetings held pursuant to subdivision~~
(1), ~~except the~~ board may meet in closed session to consider and
take action on matters pertaining to contracts and contract
negotiations with providers of health care services. ~~The~~

(i) (1) The governing board shall comply with the following
procedures for public meetings held to eliminate or reduce the
level of services, restrict eligibility for services, or adopt
regulations:

~~(1)–~~

(A) Provide prior public notice of those meetings.

~~(2)–~~

(B) Provide that notice not less than 30 days prior to those
meetings.

~~(3)–~~

(C) Publish that notice in a newspaper of general circulation in
each participating CMSP county.

~~(4)–~~

(D) Include in the notice, at a minimum, the amount and type
of each proposed change, the expected savings, and the number of
persons affected.

~~(5)–~~

(E) Hold those meetings in the county seats of at least four
regionally distributed CMSP participating counties.

~~(6)–~~

(F) Locate those meetings so as to provide that each hearing
will be within a four-hour one-way drive of one quarter of the
target population so that the four meetings shall be held at locations
in the state that will ensure that each member of the target
population may reach at least one of the meetings by a one-way
drive that does not exceed four hours.

~~(7) Notwithstanding any other provision of law, the~~

(2) From January 1, 2004, to July 1, 2005, inclusive, the
requirements for public meetings pursuant to this subdivision to
eliminate or reduce the level of services, or to restrict the eligibility
for services, are satisfied if at least three voting members of the
governing board hold the meetings as required and report the
testimony from those meetings to the full board at its next regular
meeting. No action shall be taken at any action held pursuant to
this subdivision.

~~(i)–~~

(j) Records of the County Medical Services Program and of the CMSP Governing Board that relate to rates of payment or to the board's negotiations with providers of health care services or to the board's deliberative processes regarding either shall not be subject to disclosure pursuant to the Public Records Act (Chapter 5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

~~(j)~~

(k) The following definitions shall govern the construction of this part, unless the context requires otherwise:

(1) "CMSP Governing Board" means the County Medical Services Program Governing Board established pursuant to this section.

(2) "Board" means the County Medical Services Program Governing Board established pursuant to this section.

(3) "CMSP" means the program by which health care services are provided to eligible persons in those counties electing to participate in the CMSP pursuant to Section 16809.

(4) "CMSP county" means a county that has elected to participate pursuant to Section 16809 in the CMSP.

~~(k)~~

(l) Any references to the "County Medical Services Program" or "CMSP county" in this code shall be defined as set forth in this section.

~~(l)~~

(m) This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2008, deletes or extends that date.

